

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEPHEN LAWRENCE,

Plaintiff,

-against-

THOMAS MICHAEL FLOR,

Defendant.

USDC SDNY
DOCUMENT
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DATE FILED: 2/26/2025

ORDER

23-CV-9844 (SHS)(KHP)

KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE

The Court is in receipt of the parties' recent filings regarding Defendant Thomas Michael Flohr filing for bankruptcy. (ECF Nos. 91-92.) In light of the bankruptcy filing, the Case Management Conference scheduled for **February 27, 2025** is hereby adjourned *sine die*. Further, Plaintiff's claims against Defendant in this case are subject to the automatic stay pursuant to 11 U.S.C. § 362.¹ However, third-party complaints, as well as crossclaims or counterclaims brought by the debtor are ordinarily not subject to an automatic stay under 11 U.S.C. § 362 because they are not *against* the debtor. *See* 11 U.S.C. § 362(a)(1); *Verragio, Ltd. v. AE Jewelers, Inc.*, No. 15 CIV. 6500 (CM), 2017 WL 1753478, at *2 (S.D.N.Y. Apr. 27, 2017) ("[W]ithin one case, actions against a debtor will be suspended even though closely related claims asserted by the debtor may continue.") (internal citations omitted). Nevertheless, courts have discretion concerning whether to stay proceedings in their entirety for purposes of judicial efficiency. *See M.E.S., Inc. v. M.J. Favorito Elec., Inc.*, No. 08-CV-183 (JG) (JMA), 2010 WL 959604, at *3 (E.D.N.Y. Mar. 15, 2010) ("Leaving the Bankruptcy Code's stay provisions to one

¹ To be clear, Plaintiff's pending motion seeking discovery sanctions is stayed. (ECF No. 84.)

side, a court has inherent power to stay proceedings and to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”) Accordingly, by **March 10, 2025**, the parties shall file a joint letter with the Court stating each side’s position on whether the entire case should be stayed including the claims contained in Defendant’s third-party complaint.

SO ORDERED.

Dated: February 26, 2025
New York, New York



KATHARINE H. PARKER
United States Magistrate Judge